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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 002665

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DEAHQ FOR OFE
DOJ FOR OIA--JASON CARTER AND OPDAT--J. SILVERWOOD

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TAGS: SNAR CJAN KCRM NI
SUBJECT: NIGERIA: LAW ENFORCEMENT MEETING WITH ATTORNEY
GENERAL

REF: ABUJA 1234

1.(U) Classified by Ambassador Howard F. Jeter. Reasons
1.5 (b) and (d).

2.(C) Summary: An October 16 meeting with Nigeria's Attorney General gave the Ambassador a chance to review and update progress on numerous law enforcement issues. The Attorney General was positive in responding on all topics, though his personal involvement in these bilateral issues seems to be ebbing because of growing demands placed on his schedule in the run-up to the 2002 and 2003 elections. Under the caretaker leadership of the Minister of State for Justice, however, some valuable work has been done on designing a new Financial Crimes Commission to tackle money laundering more effectively. As reported reftel, we will work increasingly with the Minister of State in the AG's absence. End Summary

3.(C) Ambassador, accompanied by RNLEO and DEA Attache, met with Attorney General and Minister of Justice Chief Bola Ige at the Minister's office October 16. The AG, joined by Minister of State Musa Elayo Abdullahi and Permanent Secretary Solicitor

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General Mrs. T.A.A. Osinuga, began by extending condolences to the U.S. Government over the tragic terrorist attacks of September 11. He then stated briefly to a media representative that he and the Ambassador would be discussing plans for a meeting of a US-Nigeria Law Enforcement "Commission" to address the serious mutual crime issues of drug trafficking, financial fraud, money laundering, and extradition.

Staging the Bilateral LE Committee Meeting

4.(C) After the reporter's departure, discussion turned to the Bilateral Committee in earnest. The Ambassador noted the tentative plans of President Obasanjo to travel to Washington on November 2 and suggested that a meeting of the LE Committee be held the day after the visit. This might be advantageous since some of the GON officials to attend the Committee meeting may also be in the President's party. Alternatively, we could propose to Washington a meeting in mid- or late-November.

5.(C) The AG disclosed that he would be in New York November 3-9 to attend UN meetings on the International Law Commission and the election of Law Commission members, of which he is a candidate. Ige suggested the LE Committee meeting be held in Washington on Friday, November 9. The Ambassador agreed to forward this suggestion to the Department and further suggested that November 8 be used for working-level pre-meeting discussions. Ige concurred.

6.(C) RNLEO then briefed the AG on the Post's nominal agenda (sent to Department/INL via septel) for the Committee meeting: discussion of GON progress made; USG concerns; GON concerns; and benchmarks/roadmaps for future progress in eight areas. These are: counter-narcotics, financial fraud, money laundering, corruption, police reform, trafficking in persons, extradition, and immigration crimes.

Great Drug Enforcement Vigor

7.(C) Offering compliments on the NDLEA's record seizure of 60 kilograms of cocaine at a Lagos sea port on August 27, the Ambassador Jeter noted that under Chairman Lafiaji's leadership, the agency appears to be showing greater commitment and effectiveness. Most recently, NDLEA units seized two modest shipments of cocaine at the Kano airport (arriving by a KLM passenger from Curacao). Last week the NDLEA recorded its first-ever seizure of narcotics boarding the South African Airways/Nigeria Airways (SAA/NA) flight to New York. The AG concurred, noting he had personally intervened to deny bail to the three suspects (two Nigerians and one Brazilian) arrested in connection with the 60 kilogram seizure, and he would participate in their prosecution. He also praised Lafiaji's work, characterizing him as "a serious man committed to his cause."

Extradition

8.(C) Noting the postponement of the earlier planned October 15-18 DOJ/OPDAT extradition workshop because of Washington commitments and security concerns following the September 11 terrorist attacks, Ambassador Jeter stated that the USG hopes to reschedule this valuable exchange as soon as possible. Despite this delay, he urged the Ministry of Justice to move ahead with plans to establish a dedicated unit of extradition prosecutors. Ige replied that he had been "working on this issue the previous day" and we would soon see results. Ige then acknowledged receiving a letter from RNLEO, written on behalf of the U.S. Department of Justice, withdrawing USG extradition requests of five Nigerian citizens wanted to stand trial for fraud and money laundering.

9.(C) The Ambassador reviewed our concerns over malafide passengers boarding the SAA/NA flight to New York and the recent incident at the Lagos airport in which an INS agent was assaulted by an irate passenger attempting to board the New York flight with fraudulent documents. Noting that he has raised these concerns with Aviation Minister Kema Chikwe, following Washington consultations with the commissioner of the INS, the Ambassador stated that security at the Lagos airport must be improved to prevent criminals from operating with impunity. In this regard, Minister Chikwe's claim of the imminent creation of a Magistrate's Court within the Lagos airport was most welcome news. Once operating, this court could prosecute expeditiously people arrested for using counterfeit documents and creating security problems within the airport.

Judicial Reform and Corruption

10.(C) Ambassador Jeter briefed the AG on the status of USAID's Judicial Reform Project, an \$2.5 million effort now starting its second year and focusing on strengthening judicial performance in three pilot jurisdictions (the Kaduna, Lagos, and Abuja/Federal Capital Territory High Courts). Similar assistance would be provided to the GON's two year-old Anti-Corruption Commission in the coming year. \$414,000 in ESF funds provided through INL and the Department of Justice's Overseas Prosecution Development and Training (OPDAT) program would assist the new Commission in building its capacity, training its staff, and providing modest recording equipment to transcribe more efficiently court proceedings (currently taken by the judge in long-hand).

Money Laundering

11.(C) Drawing on President Bush's September 23 Executive Order seeking a worldwide freeze of terrorists' assets, the Ambassador described the deficiencies in Nigeria's money laundering regime, as identified by the Financial Action Task Force (FATF). Most crucial is the need for legislative reform to criminalize all forms of money laundering and establish a strong, unambiguous central point

of authority for all anti-money laundering efforts in Nigeria. A high level of cash liquidity and inadequate financial controls, make Nigeria's economy conducive to money laundering, stressed Jeter. The Attorney General agreed with this assessment and claimed that the GON is working to correct these weaknesses through legislative changes to the existing 1995 money laundering law and the creation of a "Financial Crimes Commission" (FCC) capable of fighting all forms of financial crime including money laundering. Ige agreed with the Ambassador's assertion that this FCC could serve as a central coordinating body for handling money laundering issues. Minister of State Abdullahi interjected that, during the AG's recent absence, he had supervised the drafting of the new legislation to create the FCC, which has been sent to the President for approval. Abullahi agreed to provide the Mission a copy of the draft bill.

Comment

12.(C) This was the Mission's first substantive meeting with the AG in several months. With the approach of the 2002 and 2003 elections, the AG is becoming increasingly consumed with political responsibilities (Ige is a senior leader of the AD Party and the quasi-political Yoruba socio-cultural organization "Afenifere"). His extended absences from the Justice Ministry were evident in his lack of currency on several issues. That said, however, Ige remains capable of intervening directly with the President, a long-time friend, to achieve results on a particular law enforcement or judicial issue. We expect to see tangible responses on some, but not all of the concerns presented to Ige. Given his Ministry's role as architect of the new Financial Crimes Commission, we particularly hope that he absorbs and relays our concerns on money laundering to the President -- a message the Ambassador has presented consistently to senior GON officials during the past few weeks.
Jeter